**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

**Crl. Misc. No.18424-M of 2007**

**Date of Decision : 05-09-2007**

**Chattar Singh**

**.....Petitioner.**

**Versus**

**State of Punjab**

**.....Respondent.**

Present : Mr. T.S. Sangha, Advocate
for the petitioner.

Mr. I.P.S. Sidhu, Sr. D.A.G., Punjab
for the State.

Mr. Vikram K. Chaudhri, Advocate
for the complainant.

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**S.S. SARON, J. (ORAL)**

Heard learned counsel for the parties.

This petition under Section 438 Cr.P.C. had been filed seeking pre-arrest bail of the petitioner in case F.I.R. No.21 dated 29-01-2007 registered at Police Station Beas, District Amritsar for the offences under Sections 302, 427, 148, 149 I.P.C. and Sections 25 and 27 of the Arms Act.

The F.I.R. in the case has been registered on the statement of Jagir Singh, Member, Shiromani Gurudwara Prabandhak Committee (`SGPC' for short). The complainant Jagir Singh is the uncle of Manjinder Singh Kang who was the candidate of the Shiromani Akali Dal (Badal) in the Assembly elections held in February 2007 from the Beas Assembly constituency. The members of the Akali party were going from Beas to

Rayya. Some persons were going on a Bolero vehicle and one Dilbagh Singh (deceased) was on a motor cycle. Many other persons were accompanying them. At about 1.00 p.m. while going towards Rayya, they reached in front of the office of the Congress Party Candidate, namely, Jasbir Singh @ Dimpa. Said Jasbir Singh @ Dimpa was armed with a pistol. Others, namely, Harmanbir Singh @ Tinka and Harbhinderdeep Singh Rajan were also armed with pistols. Jasbir Singh @ Dimpa, Harmanbir Singh @ Tinka and Harbhinderdeep Singh Rajan are brothers being the sons of Sant Singh. Besides, Balkar Singh son of Ajit Singh was armed with a double barrel gun, Varinder Singh @ Vicky son of Pakhar Singh was also armed with a double barrel gun, Jaswant Singh son of Ajit Singh was armed with a pistol, Kashmir Singh son of Karnail Singh was also armed with a double barrel gun, Shamsher Singh son of Lakha Singh was armed with a pistol. These persons came out from the Election Office of the Congress Candidate, namely, Jasbir Singh @ Dimpa and are stated to have hurled abuses. Thereupon, firing started and the shot fired by Jasbir Singh @ Dimpa with his pistol, hit Dilbagh Singh (deceased) who was going on his motor cycle. Said Dilbagh Singh died at the spot. This caused panic amongst the persons. The complainant Jagir Singh, on apprehension that some persons from the complainant side had suffered fire arm injuries, ran away leaving their vehicles. A shot had also hit the tractor owned by Jagir Singh-complainant. Thereafter, the police reached the spot and complainant-Jagir Singh gave his statement to S.I./S.H.O., Police Station Beas. In terms of the said statement, the F.I.R. has been registered.

No role is attributed to the petitioner Chattar Singh in the F.I.R. that has been registered. However, supplementary

statement of the complainant-Jagir Singh was recorded on 03-02-2007 in which, it has been alleged that the petitioner was also present at the spot and armed with a double barrel gun. Besides, Deepinder Singh on 30-01-2007 submitted a compact disc (CD) relating to the above occurrence before the S.H.O. Beas as a piece of evidence which was taken in possession. Thereafter, aforesaid Deepinder Singh made a supplementary statement on 21-04-2007. He stated that at the time of submitting the C.D. on 30-01-2007 relating to the occurrence, he forgot to get his statement recorded. Seven persons it is stated had been firing and amongst them were Chattar Singh-petitioner and also one Gurbhej Singh son of Joginder Singh. The role attributed to the petitioner-Chattar Singh is that he was also present at the spot and had fired with his double barrel gun. This, however, is not mentioned in the F.I.R. that was registered on the statement of the complainant-Jagir Singh. It may be noticed that pre-arrest bail application of Gurbhej Singh had been dismissed by this Court vide order dated 20-03-2007 passed in Crl. Misc. No.17179-M of 2007. Against the said order, the aforementioned Gurbhej Singh filed S.L.P. (Crl. No.1850 of 2007) in the Hon'ble Supreme Court of India. Vide order dated 06-08-2007, leave to Appeal was granted and the aforesaid Gurbhej Singh has been ordered to be released on bail on his furnishing bail bonds for a sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the arresting authority or the Court concerned as the case may be subject to the conditions laid down under Sub Section (2) of Section 438 Cr.P.C. The role attributed to Chattar Singh, petitioner is somewhat similar to that of Gurbhej Singh who has been granted the concession of pre-arrest bail by

the Hon'ble Supreme Court of India vide order dated 06-08-2007. Therefore, Chattar Singh-petitioner is also entitled to the concession of bail on the same terms as has been granted to Gurbhej Singh.

In view of the above, Criminal Misc. Application is allowed and the petitioner, in the event of his arrest, shall be released on bail on his furnishing bail bonds to the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the arresting authority or the Court concerned, as the case may be, subject to the conditions as envisaged by Section 438 Cr.P.C.

Criminal Misc. application is disposed of accordingly.

(S.S. SARON)
Judge

September 05,2007
gurpreet